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5 Attorneys for Creditor,  
6 U.S. TelePacific Corp. dba TPx Communications

7  
8 **UNITED STATES BANKRUPTCY COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 In Re:

11 **PG&E CORPORATION,**

12 **-and-**

13 **PACIFIC GAS AND ELECTRIC**  
14 **COMPANY,**

15 **Debtors.**

- 16 ☐ Affects PG&E Corporation  
17 ☐ Affects Pacific Gas and Electric Company  
18 ☒ Affects both Debtors

Case No. 19-30088-DM

Chapter 11

**DECLARATION OF KELSEY FORSYTH  
IN SUPPORT OF RESPONSE OF U.S.  
TELEPACIFIC CORP DBA TPX  
COMMUNICATIONS TO DEBTOR'S  
FIRST OMNIBUS REPORT AND  
OBJECTION TO CLAIMS ASSERTED  
PURSUANT TO 11 U.S.C. §503(B)(9)**

Date: August 14, 2019

Time: 9:30 a.m.

Place: 450 Golden Gate Ave.,  
Crtrm 17, 16th Flr.  
San Francisco

Honorable Hon. Dennis Montali

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20  
21 I, Kelsey Forsyth, declare:

22 1. I am employed by U.S. TelePacific Corp. dba TPx Communications, Creditor herein,  
23 ("U.S. TelePacific Corp.") in the capacity as Vice President – Wholesale. I have occupied that position  
24 since August 2006. The following facts are true and correct of my own knowledge. If called as a  
25 witness, I could and would competently testify as follows.

26 2. I am personally familiar with the operations of U.S. TelePacific Corp. and the products  
27 provided to Pacific Gas and Electric Company, consisting primarily of data bandwidth and  
28

1 “SmartVoice”.

2 3. U.S. TelePacific Corp., a telecommunication company, provides voice and internet  
3 capabilities to customers. In doing so, U.S. TelePacific provides equipment to customers to enable  
4 voice and internet capabilities to them. The equipment, as shown by the invoice attached to U.S.  
5 TelePacific Corp.’s proof of claim, include monthly recurring charges for those goods. To provide  
6 these capabilities to customers, a transmitter is used to take information and convert that information  
7 into a signal. That signal then carries forward through a physical channel, also known as a transmission  
8 medium. Then, a receiver receives the signal from the physical channel and converts it to discernable  
9 information for the recipient.  
10

11 4. Although described as “services” much in the way in which electricity “service” is  
12 described by a utility, U.S. TelePacific Corp. provides PG&E with the following:  
13

14 a. *Data Bandwidth*. This is defined as a wired or wireless network communications  
15 link to transmit the maximum amount of data from one point to another over a  
16 computer network or internet connection in a given amount of time. Bandwidth  
17 describes the data transfer rate. PG&E to consume Mbps data bandwidth.

18 b. *SmartVoice SIP Call Paths*. This allows PG&E to consume data, voice, and  
19 Internet over its IP connection. (SIP trunking eliminates the need for separate  
20 access for voice, eliminating the costs of maintaining separate circuits.)  
21

22 5. This arrangement of transmitting voice and internet capabilities strongly resembles that  
23 of transmitting electrical energy in several ways. These transmitting units pass from a transmitter to a  
24 receiver in an identifiable way, and movement must occur for these transmitting units to be sent and  
25 received.

26 6. These transmitting units, like electricity, are metered in their own way by way of data  
27 use, distance, minutes, among other ways. Like electricity, these capabilities are provided through  
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1 networks and systems. And, similar to electricity, these capabilities are capable of being metered and  
2 sold.

3 7. U.S. TelePacific Corp. provides PG&E with access to its complex infrastructure of  
4 equipment and lines with the charges measured by PG&E's usage in the same manner as electricity is  
5 sold by PG&E to its customers.  
6

7 8. Product is consumed by PG&E and billed as consumed at meters located at PG&E  
8 premises.

9 I declare under penalty of perjury under the laws of the United States of America that the  
10 foregoing is true and correct. Executed this 31st day of July, 2019, at Englewood, Colorado.

11 /s/ Kelsey Forsyth  
12 KELSEY FORSYTH  
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